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60,469-239
PA-000.05146-US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brian T. McNamara
Serial Number: 10/556,801
Filed: 11/14/2005
Group Art Unit: 3654
Examiner: Kruer, Stefan
Title: TIE-DOWN COMPENSATION FOR AN
ELEVATOR SYSTEM

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Final Office Action mailed on June 11, 2008. Applicants respectfully request reconsideration of this application where claims 1-10 and 12-23 are pending.

The objection to the drawings should be withdrawn.

The objection to the drawings is based upon a misunderstanding of what is required in the drawings. MPEP §608.02(d) provides that a drawing must show every feature of the invention specified in the claims. As the claims do not include any recitation of a belt with a steel core, such a feature is not required to be shown in the drawings. The drawings clearly show a plurality of belts consistent with what is recited in claim 6, for example. The objection to the drawings should be withdrawn.

Notwithstanding the improper objection, to avoid having to petition this issue, Applicants submit a proposed replacement sheet containing Figure 2A with an additional cross-section showing an example belt configuration. As the cross-section shows a belt configuration that is

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entirely consistent with the written description as originally filed, no new matter has been introduced.

**The rejection of claim 6 under 35 U.S.C. §112
must be withdrawn**

Claim 6 is part of the originally filed application. MPEP §2163(I)(A) indicates that claim 6 is therefore presumed supported by the original filing. Additionally, the specification on page 4 clearly describes an example belt having characteristics consistent with what is recited in claim 6. The rejection must be withdrawn.

**The rejections based upon the *Fuller, et al.*
reference all must be withdrawn**

There is no *prima facie* case of obviousness. The Examiner has attributed features to the *Fuller, et al.* reference that are not there. The Examiner contends that the *Fuller, et al.* reference teaches a "damper (56) supported for movement with one of the cab or the counterweight, one end of the tension member being associated with the damper such that the damper reduces motion of the cab or the counterweight when the other ... has stopped after a bias of the elastic element is overcome and the elastic element is at least partially compressed." There is no such "damper" in the *Fuller et al.* reference.

First, as the Examiner appears to acknowledge in the office action, the "damper (56)" is not associated with an end of a "tension member (16)" in the reference. Moreover, the active hitch assembly 36 includes active force actuators 56 that do not perform the function suggested by the Examiner. Column 7, lines 10-23 clearly indicate that when the brakes are applied to stop the elevator car, the hitch command signal is controlled "to thereby freeze the position of the force actuators 56 when the elevator car brakes are applied." In other words, the active force actuators 56 are locked in position when the elevator car brakes are applied and no damping occurs that could possibly correspond to that suggested by the Examiner. When the brakes are applied (i.e., the elevator car stops), the active force actuators 56 are frozen in a single position and do not operate as a "damper" that reduces motion after a bias of the elastic element is overcome.

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Given the express teachings of the *Fuller, et al.* reference, it is impossible to interpret the reference as suggested by the Examiner and there is no possible *prima facie* case of obviousness against any of Applicants' claims. Even if the proposed combinations could be made, the result is nothing like what the Examiner contends. The rejections of claims 1-19 are all based upon the same flawed interpretation of the *Fuller et al.* reference and, therefore, every one of those rejections must be withdrawn.

Additionally, it is not possible to use the *Miyoshi* reference to somehow change how the *Fuller et al.* arrangement is described as working. First, that would change the principle of operation of the *Fuller et al.* reference. Such a modification cannot be made as explained in MPEP 2143.01(VI). Second, as already explained by Applicants, the *Miyoshi* reference teaches an arrangement that operates in a manner that is the direct opposite of the claimed arrangement. It is not possible to use the *Miyoshi* teachings to somehow attempt to justify a modification of the *Fuller et al.* reference that would somehow render it consistent with the claimed invention.

The rejections based upon the *Miyoshi, et al.* reference must be withdrawn

The rejection of claims 20-23 is based on the proposed combination of the *Miyoshi, et al.* and *Baranda, et al.* references. There is no *prima facie* case of obviousness. The *Baranda, et al.* reference discloses a belt corresponding to the *load bearing member* of Applicants' claim 20. There is nothing in the *Miyoshi, et al.* or *Baranda, et al.* references that discloses or in any way suggests using a plurality of belts as the *tension member* recited in Applicants' claim 20. Additionally, the sheave sizes mentioned in the *Baranda, et al.* reference are for traction sheaves used to direct the load bearing member. Those sheaves having nothing to do with a tension member as recited in Applicants' claims. Therefore, even if the proposed combination could be made, the result is not what the Examiner contends and there is no *prima facie* case of obviousness. There is nothing in either reference that in any way suggests using a tension member arrangement as recited in Applicants' claim 20.

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Applicants respectfully submit that this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

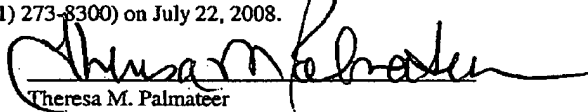
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Dated: July 22, 2008

CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/556,801, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on July 22, 2008.


Theresa M. Palmateer

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